



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 CRIMINAL APPLICATION NO.2828 OF 2023

Gopal Kisan Chaudhari,
Age 20 yrs., Occ. Student,
R/o Shikhrna, Khurd Kalan, Post Chharra,
Sub Dist. Atrauli, Dist. Aligarh (UP).

... Applicant

... Versus ...

- 1 The State of Maharashtra
Through In-Charge Investigating Officer,
Bhingar Police Camp Police Station,
Ahmednagar, Dist. Ahmednagar.
- 2 Shivaji Ramdas Kale,
Age 43 yrs., Occ. Service
as Subhedar in Army (No.JC433331 F),
I.T. Battalion,
MIC & S Solapur Road, Ahmednagar,
R/o Dongargan, Tq. & Dist. Ahmednagar.

... Respondents

...

Mr. S.R. Andhale, Advocate for applicant

Mr. S.A. Gaikwad, APP for respondent No.1

Mr. B.B. Kulkarni, Advocate for respondent No.2

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CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.

DATE : 17th DECEMBER, 2024

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 initially for quashing of the First Information Report vide Crime No.303/2023 dated 25.05.2023 registered with Ahmednagar Camp Police Station and by way of amendment for quashing of charge sheet bearing Regular Criminal Case No.702/2023 pending before learned Chief Judicial Magistrate, Ahmednagar, for the offence punishable under Sections 420, 419, 468, 171, 177 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. S.R. Andhale for applicant, learned APP Mr. S.A. Gaikwad for respondent No.1 and learned Advocate Mr. B.B. Kulkarni for respondent No.2.

3 Learned Advocate for applicant has taken us through the contents of First Information Report and submitted that name of present applicant in the First Information Report is the outcome of the information allegedly given by the original four accused who were caught while submitting the fake appointment letter. They disclosed that the call letter was given by one Lokeshkumar Rajput and the present applicant. However, if we consider the other documents on record, especially the remand report

dated 29.05.2023, then it can be seen that the present applicant had given amount of Rs.2,00,000/- to the original accused No.7 Pushpendrakumar Netrapal Bhati. Present applicant was a Kabaddi player and has achieved excellence in the sports. He has desire to serve for the nation, but he himself has been cheated. He ought not to have been made as an accused. The entire material in the charge sheet does not show that he has any role to play except the statement by the other accused persons. It would be unjust to ask him to face the trial and because of the pendency of the present matter he is unable to get employment.

4 Per contra, the learned APP and learned Advocate for respondent No.2 strongly opposed the application. Respondent No.2, who is serving as Subhedar, had suspected the documents, which were submitted by four accused persons and when inquiry was made by his superior, then it was revealed that no such appointment letter under the scheme Agniveer has been issued through ARO Meerut (Uttar Pradesh). Therefore, even the Army has been tried to be cheated with the help of false documents. Therefore, let the applicant face the trial.

5 At the outset, we would like to say that the basic case is that the Army Centre at Ahmednagar was receiving new recruits under the scheme

Agniveer i.e. for the Army and when around 22.00 hours on 23.05.2023 four young boys reported to Gat No.8 of I.T. Battalion, Ahmednagar, their documents were checked. Battalion R.P Hawaldar Talvinder Singh suspected those documents and, therefore, intimated the same to superior. Thereafter, inquiry was made with ARO Meerut (Uttar Pradesh), whereupon it was revealed that no such call letter was sent nor any person has been sent for training with the Battalion at Ahmednagar. Inquiry was made with those boys, whereupon they had told that those call letters have been given to them by one Lokeshkumar Rajput and Gopal Ramkisan Choudhari i.e. present applicant. We fully agree with the learned APP as well as learned Advocate for respondent No.2 that there cannot be compromise with the security of the nation. We had found out as regards the investigation in respect of fake documents that there is certain part of the investigation which is still not complete, especially in respect of statements of witnesses, as to whether any Officer by name Colonel Vijay Singh was ever deputed at ARO Meerut (Uttar Pradesh) and whose handwriting it is or where those call letters have been falsely prepared ? We had called the Investigating Officer, who appears to have been now transferred. Under the said circumstance, when it is the matter relating to security of the nation, though we are rejecting the application for quashing the First Information Report and the charge sheet as there is a need for further investigation by utilizing the inherent powers

under Section 482 of the Code of Criminal Procedure, we are directing the District Superintendent of Police, Ahmednagar to assign the further investigation to Police Inspector, Local Crime Branch and investigate the case under the supervision of Deputy Superintendent of Police, Ahmednagar. With these directions the application is disposed of.

(ROHIT W. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)

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